

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALAN KACHALSKY, CHRISTINA NIKOLOV, ERIC  
DETMER, JOHNNIE NANCE, ANNA MARCUCCI-  
NANCE, and SECOND AMENDMENT FOUNDATION,  
INC.,

*Plaintiffs,*

-against-

SUSAN CACACE, JEFFREY A. COHEN, ALBERT  
LORENZO, ROBERT K. HOLDMAN, and COUNTY OF  
WESTCHESTER,

*Defendants.*

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**DECLARATION**

10-CV-05413

Hon. Cathy Seibel

James Sherman declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a member of the New York State Police, holding the rank of Technical Sergeant. I supervise the Pistol Permit Bureau in the agency's Office of Central Records.

2. The Pistol Permit Bureau is the repository for records concerning various classes of firearms and licenses in New York State. It provides assistance and guidance to persons charged with the responsibility of issuing firearms licenses, and to those seeking and holding pistol/revolver licenses.

3. My office gathers and maintains data regarding firearms licenses. Attached as Exhibit A is a summary of firearms license transactions received by the Pistol Permit Bureau from 1999 through 2009. The first substantive column represents the numbers of permit application that were approved at the county level and forwarded to the Bureau. The "Weapon Transaction" column lists the numbers of transactions, such as the purchase and

3. In my role as a handgun licensing officer, I am presented with a packet of materials, including the application and the applicant's supporting documents; the results of any and all criminal and mental health background checks performed by the Department of Public Safety for Westchester, who, pursuant to Penal Law § 400.00 (4) is charged with investigating an applicant's background and application statements; and the recommendations of the various levels of the Department of Public Safety. The materials I reviewed in connection with Nikolov's application are annexed to the Affirmation of Anthony J. Tomari, sworn to January 25, 2011, submitted in support of the State Defendants' Cross-Motion for Summary Judgment ("Tomari Aff.") as Exhibit "\_\_\_".

4. After reviewing the materials related to Ms. Nikolov's application, I issued a decision and order denying her application for a full carry pistol license, dated October 2, 2008. A copy of my October 2, 2008 Order and Decision is annexed to the Tomari Aff as Exhibit "\_\_\_".

5. As my October 2, 2008 Order and Decision makes clear, I denied Ms. Nikolov's application for an unrestricted, full carry pistol permit, because she failed to demonstrate "that she has a special need for self-protection distinguishable from that of the general public".

6. Rendering the October 2, 2008 Decision and Order was my only involvement in this controversy.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 18, 2011  
White Plains, New York

  
JEFFREY A. COHEN

**Exhibit A to Declaration of James Sherman**

**Ten Year Summary of Firearms License Transactions Received at the New York State Police Pistol Permit  
Bureau: 1999 – 2009**

<b>Year</b>	<b>Applications Received By PPB*</b>	<b>Weapon Transactions Received**</b>	<b>Amendments Received</b>	<b>Dealer Gunsmith Licenses Received</b>	<b>Dealer Gunsmith Transaction Reports</b>
<b>1999</b>	10,388	215,897	65,632	833	77,423
<b>2000</b>	11,297	158,036	70,473	827	83,303
<b>2001</b>	10,858	174,584	69,827	829	90,477
<b>2002</b>	13,416	202,831	69,606	818	91,283
<b>2003</b>	11,989	275,122	68,970	791	104,168
<b>2004</b>	12,097	156,409	64,765	805	108,630
<b>2005</b>	10,589	118,555	65,636	736	86,853
<b>2006</b>	11,344	241,347	67,117	733	93,168
<b>2007</b>	12,307	278,832	71,587	701	107,052
<b>2008</b>	13,325	364,458	73,130	701	110,787
<b>2009</b>	18,577	254,543	93,028	705	118,314

\*Only applications approved at the county level are forwarded to and received by the NYSP Pistol Permit Bureau

\*\*This number can be affected by backlogs existing during that specific calendar year

New York City currently has 36,017 pistol/revolver licenses on file

**Exhibit B to Declaration of James Sherman**

APPLICATIONS RECEIVED BY COUNTY  
2007

COUNTY	APPLICATIONS
ALBANY	119
ALLEGANY	73
BROOME	204
CATTARAUGUS	198
CAYUGA	106
CHAUTAUQUA	265
CHEMUNG	106
CHENENGO	61
CLINTON	107
COLUMBIA	105
CORTLAND	70
DELAWARE	100
DUTCHESS	544
ERIE	961
ESSEX	91
FRANKLIN	60
FULTON	93
GENESEE	73
GREENE	54
HAMILTON	27
HERKIMER	100
JEFFERSON	98
LEWIS	46
LIVINGSTON	116
MADISON	77
MONROE	606
MONTGOMERY	68
NASSAU	849
NEW YORK CITY	2,609 (38,187 Active)
NYSP	75
NIAGARA	244
ONEIDA	297
ONONDAGA	382
ONTARIO	130
ORANGE	487
ORLEANS	48
OSWEGO	146
OTSEGO	101
PUTNAM	199
RENSSELAER	164
ROCKLAND	304

COUNTY	APPLICATIONS
ST. LAWRENCE	192
SARATOGA	257
SCHENECTADY	108
SCHOHARIE	71
SCHUYLER	64
SENECA	38
STEUBEN	139
SUFFOLK	1,709
SULLIVAN	222
TIOGA	92
TOMPKINS	67
ULSTER	321
WARREN	79
WASHINGTON	77
WAYNE	242
WESTCHESTER	545
WYOMING	90
YATES	40
TOTAL	14,916

APPLICATIONS RECEIVED BY COUNTY  
2008

COUNTY	APPLICATIONS
ALBANY	186
ALLEGANY	109
BROOME	219
CATTARAUGUS	277
CAYUGA	134
CHAUTAUQUA	271
CHEMUNG	112
CHENENGO	93
CLINTON	109
COLUMBIA	164
CORTLAND	83
DELAWARE	112
DUTCHESS	606
ERIE	811
ESSEX	64
FRANKLIN	59
FULTON	83
GENESEE	76
GREENE	108
HAMILTON	34
HERKIMER	93
JEFFERSON	195
LEWIS	85
LIVINGSTON	108
MADISON	83
MONROE	822
MONTGOMERY	81
NASSAU	896
NEW YORK CITY	2,276 (TOTAL ACTIVE – 36,937)
NYSP	78
NIAGARA	272
ONEIDA	289
ONONDAGA	356
ONTARIO	159
ORANGE	640
ORLEANS	76
OSWEGO	159
OTSEGO	136
PUTNAM	197
RENSSELAER	175
ROCKLAND	263



COUNTY	APPLICATIONS
ST. LAWRENCE	178
SARATOGA	282
SCHENECTADY	179
SCHOHARIE	54
SCHUYLER	48
SENECA	55
STEUBEN	140
SUFFOLK	1,518
SULLIVAN	298
TIOGA	70
TOMPKINS	47
ULSTER	319
WARREN	120
WASHINGTON	95
WAYNE	430
WESTCHESTER	447
WYOMING	127
YATES	45
TOTAL	13,325

APPLICATIONS RECEIVED BY COUNTY  
2009

COUNTY	APPLICATIONS
ALBANY	193
ALLEGANY	178
BROOME	421
CATTARAUGUS	336
CAYUGA	190
CHAUTAUQUA	681
CHEMUNG	202
CHENENGO	116
CLINTON	120
COLUMBIA	215
CORTLAND	118
DELAWARE	215
DUTCHESS	678
ERIE	713
ESSEX	64
FRANKLIN	56
FULTON	139
GENESEE	185
GREENE	189
HAMILTON	37
HERKIMER	103
JEFFERSON	117
LEWIS	94
LIVINGSTON	216
MADISON	115
MONROE	1,239
MONTGOMERY	78
NASSAU	1,093
NEW YORK CITY	2,071 (TOTAL ACTIVE - 36,017)
NYSP	64
NIAGARA	382
ONEIDA	372
ONONDAGA	643
ONTARIO	281
ORANGE	917
ORLEANS	132
OSWEGO	300
OTSEGO	226
PUTNAM	352
RENSSELAER	248
ROCKLAND	410

COUNTY	APPLICATIONS
ST. LAWRENCE	270
SARATOGA	393
SCHENECTADY	214
SCHOHARIE	98
SCHUYLER	102
SENECA	73
STEUBEN	205
SUFFOLK	1,956
SULLIVAN	285
TIOGA	149
TOMPKINS	115
ULSTER	374
WARREN	137
WASHINGTON	175
WAYNE	690
WESTCHESTER	643
WYOMING	202
YATES	68
TOTAL	18,577 (DOES NOT INCLUDE NYC)